



Attorney Docket No.: EMPIR060-AUS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Thomas Mayberry  
Serial No.: 10/665,707  
For: A Method of Providing Improved Performance of Software Tools  
Filing Date: September 18, 2003  
Examiner: Not Yet Assigned  
Art Unit: 2183

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**Certificate of Mailing Under 37 C.F.R. §1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on:

Date: April 22, 2004

By: Farah Zafar

(Typed or printed name of person mailing  
Document, whose signature appears below)

Signature: Farah Zafar

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Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

**TRANSMITTAL LETTER**

Sir:

Enclosed is/are:

- ☒ Transmittal Letter (this form, 2 pages, in duplicate), Total Pages: 4;
- ☒ Information Disclosure Statement, Total Pages: 3;
- ☒ PTO-1449 Form, Total Pages: 1;
- ☒ A copy of cited references enclosed, Total References: 5;
- ☒ Return Receipt Pre-paid Postcard (in duplicate), Total Postcards: 2;
- ☒ Authorization to charge Deposit Account No. 50-0901, if required.

U.S. Application No.: 10/665,707

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Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,

By: David W. Rouille  
David W. Rouille, Esq.  
U.S.P.T.O. Registration No.: 40,150  
Attorney for Applicant  
CHAPIN & HUANG, L.L.C.  
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Westborough, Massachusetts 01581  
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Facsimile: (508) 616-9805

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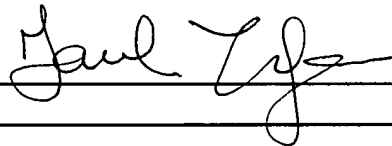
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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

This Information Disclosure Statement is submitted:

☐ under 37 CFR 1.129(a), or (If IDS filed as first/second submission after Final Rejection);

☒ under 37 CFR 1.97(b), or (If IDS Filed within three months of filing national application; or date of entry of the national stage in international application; or before mailing date of first office action on the merits; whichever occurs last);

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- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
  - ☐ a \$180.00 fee under 37 CFR 1.17(p), or (If filed after the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
  - ☐ a Petition under 37 CFR 1.97(d)(2), and
  - ☐ a \$130.00 petition fee set forth in 37 CFR 1.17(i). (If IDS filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)
  - ☐ Applicant requests that the attached IDS and cited reference(s) be placed in the application filewrapper. (If IDS filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☒ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Enclosed herewith is Form PTO-1449:

- ☒ Copy of the cited references are enclosed.
- ☐ Copy of cited references are enclosed except those entered in a prior application, having U.S. Serial No. \_\_\_\_\_, and references that are not required to be submitted under 37 CFR 1.98.
- ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.

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☐ Pursuant to the Official Gazette Notice of August 5, 2003 the requirement under 37 CFR 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication is waived for all U.S. national patent applications filed after June 30, 2003.

Concise Explanation Requirement (required for non-English references):

- ☐ The "concise explanation" requirement for reference(s) under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
  - ☐ the explanation provided in the Specification.
  - ☐ submission of the enclosed International Search Report.
  - ☐ the enclosed English language abstract.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☒ No fee is required for this Information Disclosure Statement.
- ☐ Enclosed is a check for \$180.00, which covers the Information Disclosure Fee.
- ☐ A copy of this Statement is enclosed.


Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

Respectfully submitted,

By: David W. Rouille  
David W. Rouille, Esq.  
U.S.P.T.O. Registration No.: 40,150  
Attorney for Applicant  
CHAPIN & HUANG, L.L.C.  
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1700 West Park Drive  
Westborough, Massachusetts 01581  
Telephone: (508) 366-9600  
Facsimile: (508) 616-9805

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Dated: April 22, 2004

PTO-1449 REPRODUCED		ATTORNEY DOCKET NO.		APPLICATION SERIAL NO.			
INFORMATION DISCLOSURE CITATION IN AN APPLICATION		EMPIR060-AUS		10/665,707			
 (Use several sheets if necessary)		APPLICANT					
		Thomas Mayberry					
FILING DATE		GROUP					
September 18, 2003		2183					
U.S. PATENT DOCUMENTS							
EXAM- INER INI- TIAL		DOCUMENT NUMBER	DATE mm/dd/yy	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE
	AA	5,261,086	11/09/93	Shiramizu	395	575	10/19/92
	AB	6,134,710	10/17/00	Levine et al.	717	9	06/26/98
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION YES NO
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	AC	International Search Report from International Application No. PCT/US03/29376, filed September 18, 2003, 4 pages					
	AD	NETMANAGE: "Xoftware for Windows 8.0 User's Guide, Chapter 12" 'online! June 14, 2002, INTERNET ARCHIVE XP002269179, retrieved from the internet: <URL: <a href="http://web.archive.org/web/20021109143837/supportweb.netmanage.com/ts_viewnow/downloads/xoftware8/chap12/asp">http://web.archive.org/web/20021109143837/supportweb.netmanage.com/ts_viewnow/downloads/xoftware8/chap12/asp</a> > 'retrieved on February 5, 2004!					
	AE	PARK SE-YOUNG ET AL: "OASIX: a real-time knowledge-based system for UNIX operations and administration", PROCEEDINGS OF THE CONFERENCE ON ARTIFICIAL INTELLIGENCE APPLICATIONS. MIAMI BEACH, FEB. 24-28, 1991, NEW YORK, IEEE, US, VOL. VOL. 2 CONF. 7, PAGE(S) 389-392 XP010022636 ISBN: 0-8186-2135-4					
EXAMINER				DATE CONSIDERED			